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15-DAY PUBLIC NOTICE AND COMMENT PERIOD NOTICE OF PUBLIC AVAILABILITY OF REVISIONS TO POST-HEARING, WITHDRAWN REGULATORY TEXT

ALTERNATIVE MANAGEMENT STANDARDS FOR TREATED WOOD WASTE

Department of Toxic Substances Control Reference Number: R-2005-04
Office of Administrative Law: Notice File Number: Z-06-1113-01
Regulatory Action Number 07-0504-01S

The Office of Administrative Law has approved R-2005-04 Alternative Management Standards for Treated Wood Waste (TWW) rulemaking (Regulatory Action Number 07-0504-01S), except for California Code of Regulations, title 22, section 67386.6, subsection (a), subparagraph(2)(B)3. of the rulemaking. The Department of Toxic Substances Control (DTSC) decided to withdraw and revise this subparagraph while adopting all other text of the TWW rulemaking.

Pursuant to Government Code section 11346.8, subdivision (c), notice is hereby given that DTSC has revised the aforementioned subparagraph to allow transport of containers filled to capacity with TWW to a TWW facility. The previously proposed regulatory text had allowed transport of these containers only to an approved landfill. The Alternative Management Standards for TWW broadly defines "TWW facility" to include TWW approved landfills, as well as transfer or processing stations, solid and hazardous waste facilities, etc... DTSC is increasing the number of facilities that can accept full TWW containers from approximately 40 approved landfills to 100 TWW facilities. Therefore, generators and TWW facilities may have more options for shipping these containers possibly resulting in reduced transportation costs. In addition, DTSC will make a nonsubstantive change to California Code of Regulations, title 22, section 67386.5, subsection (e) to improve clarity. The written comment period commences on June 28, 2007, and closes on July 13, 2007.

DTSC made the original text for R-2005-04 Alternative Management Standards for TWW available for public review and comment on November 24, 2006. A public hearing was held on January 8, 2007 during which written and oral testimony was accepted. In addition, written comments were accepted during the 45-day public comment period that ended on January 8, 2007. DTSC made post-hearing changes to the proposed text and held a written comment period from March 1 through 16 of 2007.

DTSC has determined that changes to the aforementioned subparagraph do not impact the finding of the previously proposed Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA). The public notice for the Negative Declaration was published on November 3, 2006 and the 30 day public comment period for that document ended on December 4, 2006.

DTSC considers the revision to the subparagraph to be sufficiently related changes, as defined by California Code of Regulations, title 1, section 42. Notice is given that any interested persons may submit comments regarding these revisions and only these revisions of the text by e-mail to regs@dtsc.ca.gov or by mail to:

Regulations Coordinator
Department of Toxic Substances Control
Regulations Section
P.O. Box 806
Sacramento, CA 95812-0806

Written comments submitted prior to 5:00 p.m. on July 13, 2007, will be considered.

A copy of the revised text is attached. The strike through and underlined text represents the revisions to the text. The information upon which DTSC relied is available for public inspection between 8:00 a.m. and 5:00 p.m. at the Regulations Section, located on the 22nd Floor at 1001 I Street, Sacramento, California. Requests and inquiries concerning this matter may be directed to the Regulations Coordinator at the address indicated above or by telephone at (916) 322-6409. If the Regulations Coordinator is unavailable, telephone the Chief of the Regulations Section at (916) 327-4508.

Inquiries regarding technical aspects of the proposed alternative considered should be directed to Mr. William Beckman, of the Hazardous Waste Management Program, DTSC, at (916) 324-8293 or, if unavailable, Ms. Evelia Rodriguez at (916) 322-3810. However, such oral inquiries are not part of the rulemaking record.